

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:13-cv-00344-MOC-DSC**

ERIN POTTS,)
Plaintiff,)
vs.)
ADP, INC.,)
Defendant.)

MEMORANDUM AND ORDER

THIS MATTER is before the Court on “Defendant’s Motion for Sanctions,” Doc. 27, filed February 10, 2014, its supporting brief, Doc. 28 and the parties’ associated briefs and exhibits. See Docs. 29, 30, and 31. This Motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §636(b)(1).

The Court has carefully examined the record, the parties' arguments and the applicable authorities. Courts generally have broad discretion in imposing sanctions under Rule 37 of the Federal Rules of Civil Procedure. National Hockey League v. Metropolitan Hockey Club, Inc., 427 U.S. 639 (1976). Rule 37 sanctions must be applied diligently both "to penalize those whose conduct may be deemed to warrant such a sanction, [and] to deter those who might be tempted to such conduct in the absence of such a deterrent." Id. at 643. For the reasons stated in its Motion and supporting brief, the Court finds that sanctions are warranted here for Plaintiff's interference with Defendant's subpoenas. Consequently, the Court grants Defendant's Motion for Sanctions.

Plaintiff is ordered to pay Defendant the reasonable attorney's fees and costs incurred in obtaining this Order, preparing and obtaining the Order on its Motion to Compel, and the costs

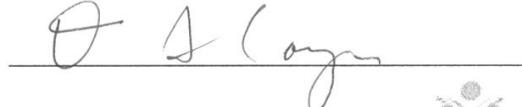
associated with reopening Plaintiff's deposition, such amounts to be determined by the Court after reviewing an affidavit submitted by Defendant's counsel within seven (7) calendar days of the date of this Order.

IT IS HEREBY ORDERED that:

1. "Defendant's Motion for Sanctions," Doc. 27, is GRANTED.
2. The Clerk is directed to send copies of this Order to counsel for the parties, including but not limited to moving counsel; and to the Honorable Max O. Cogburn, Jr.

SO ORDERED.

Signed: March 12, 2014



David S. Cayer
United States Magistrate Judge
